

REMARKS

Claim Rejections - 35 U.S.C. §102(b) – Claims 1, 3, 17, 18, and 20

Claims 1, 3, 17, 18, and 20 are pending in the present application and were rejected in the Office Action dated October 5, 2006 under 35 U.S.C. § 102(b) as being anticipated by the Hiraka reference (U.S. Patent No. 5,835,935), (hereinafter “Hiraka”). Applicants respectfully traverse this rejection. However, in order to provide clarification, claims 1, 3, 17, 18, and 20 have been amended. Claims 1, 17, and 20 are independent claims. Claim 3 depends from independent claim 1, and claim 18 depends from independent claim 17. For brevity, only the bases for the rejection of the independent claims are traversed in detail on the understanding that the dependent claims are also patentably distinct over the cited references, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of their respective independent claims, provide further, separate, and independent bases for patentability.

The Examiner has stated that Hiraka discloses each and every element of the claimed invention. However, upon closer examination, it appears that Hiraka discloses an apparatus very different from the claimed invention.

Claim 1, as amended, recites:

1. *A memory controller for accessing a memory having a plurality of physical blocks each constituted of a plurality of pages based on a host address supplied from a host computer, comprising:*
 - search means for searching, referencing_start page data written in a redundant area of a physical_block including a target page designated by the host address, a number of a start page of the physical block where the start page indicates a page, a preceding page thereof being not a free page and all following pages among the pages included in the corresponding physical block being free pages;*
 - decision means responsive to a request to write user data issued by the host computer for determining whether progressive data writing for writing user data to a user area of the target page designated by the host address is possible; and*
 - write means responsive to an affirmative determination by the decision means for writing user data to the user area of the target page without performing an inter-block data transfer,*
 - wherein the decision means makes the decision that progressive data writing is possible if the number of the target page is equal to or greater than that of the start page.*

Specifically, claim 1 clearly defines that “the start page indicates a page, a preceding page thereof being not a free page and all following pages among the pages included in the corresponding physical block being free pages.” Therefore, in claim 1, the start page always corresponds to a second or following page, and the claimed search means is not adapted for searching an empty block where no user data are written but is adapted for searching for such a start page.

Further, in claim 1, the decision means determines that “progressive data writing” is possible when it makes the decision that “the number of the target page is equal to or greater than that of the start page,” and the write means is adapted for “writing user data to the user area of the target page” when the decision means determines that the progressive data writing is possible.

By contrast, in the system of Hiraka, an empty block in which no user data are written is searched for. See column 1, lines 33 to 37, column 15, lines 25 to 35, and column 17, lines 25 to 34 or Hiraka.

Therefore, since what is searched for in claim 1 is essentially different from what is searched for in the Hiraka system, it is Applicants’ position that claim 1 is not anticipated by Hiraka.

Applicants have amended claim 1 by deleting “wherein free pages are searched within a physical block,” because what is searched for in Applicants’ application are not free pages but rather the start page as recited in claim 1.

The Applicants have similarly amended independent claims 17 and 20. Method claim 20 has also been amended to correct an informality, namely to recite “a search step” in lieu of “search means.” Dependent claim 3 has been amended for clarity.

Thus, the Hiraka patent does not teach or suggest each and every element of the claimed invention. Accordingly, for at least the foregoing reasons, Applicants respectfully submit that the 35 U.S.C. § 102(b) rejection of claims 1, 3, 17, 18, and 20 as anticipated by Hiraka has been overcome.

CONCLUSION

Claims 1, 3, 17, 18, and 20 were pending and rejected. Claims 1, 3, 17, 18, and 20 are being amended. Claims 1, 3, 17, 18, and 20 remain pending. Reconsideration is respectfully requested.


Applicants have made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. In view of the foregoing discussions, Applicants believe that it is clear that the differences between the claimed invention and the cited references are such that the claimed invention is patentably distinct over the cited references. Therefore, consideration and allowance of claims 1, 3, 17, 18, and 20 is believed to be in order, and an early Notice of Allowance to this effect is respectfully requested.

Applicants submit herewith the required fees for a one-month extension of time. The Commissioner is hereby authorized to charge any additional required fees from Deposit Account No. 502811.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at 650.856.3914.

Respectfully submitted,

Date: February 5, 2007


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CERTIFICATE OF MAILING

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By: 

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